

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

GREGORY TIFT,

Defendant.

CASE NO. CR20-0168-JCC

ORDER

This matter comes before the Court on Defendant's *ex parte* offer of proof regarding testimony he intends to solicit from witnesses he subpoenaed for the September 5, 2023 trial (Dkt. No. 254). After reviewing the submission, the Court ORDERS as follows:

- Defendant failed to provide offers of proof for Witnesses 23, 32, 33, 34, 35, 36.¹
Defendant SHALL provide the Court with an *ex parte* offer of proof for these witnesses no later than August 31, 2023.
- Witnesses 1, 2, 3, 4, 5, 6, 7, 11, 12,² 15, 16, 18, 19, 20, 21, 26, 27, and 29 appear to be law enforcement personnel. It is not entirely clear whether Defendant intends to seek fact or opinion testimony from each. Regardless, to the extent the testimony, whether it be fact or opinion, is duplicative of another witness, the Court FINDS it unnecessarily

¹ Numbers referenced herein are those Defendant used on his offer of proof (Dkt. No. 254).

² This appears to be a duplicate of Witness 28.

1 duplicative and EXCLUDES that testimony pursuant to Federal Rule of Evidence 403.

2 Defendant SHALL advise the Court no later than the morning prior to commencing trial,
3 which of these witnesses he will seek testimony from, in light of the ruling above.

- 4 • Based on submission by counsel, (*see* Dkt. No. 256), the Court understands Witness 31
5 intends to invoke their Fifth Amendment privilege. Accordingly, Defendant SHALL
6 advise the Court no later than the morning prior to trial whether he still intends to call this
7 witness.
- 8 • Finally, Defendant's offer of proof fails to demonstrate the relevance, pursuant to Federal
9 Rule of Evidence 401, of the testimony he seeks to elicit from witness number 41. Absent
10 an additional offer of proof, the Court will not allow testimony from this witness to be
11 presented to a jury.

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13 It is so ORDERED this 29th of August 2023.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour
UNITED STATES DISTRICT JUDGE